

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-
GUERRA, MICHAEL MAERLENDER, BRANDON
PIYEVSKY, BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON WILLIAMS,
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE
OF TECHNOLOGY, UNIVERSITY OF CHICAGO,
THE TRUSTEES OF COLUMBIA UNIVERSITY IN
THE CITY OF NEW YORK, CORNELL
UNIVERSITY, TRUSTEES OF DARTMOUTH
COLLEGE, DUKE UNIVERSITY, EMORY
UNIVERSITY, GEORGETOWN UNIVERSITY, THE
JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAME DU
LAC, THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY, and
YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**PLAINTIFFS' RESPONSE TO LETTER RE:
POTENTIAL RULE 1.5(F) VIOLATION (ECF No. 878)**

This responds to Mr. Bach-y-Rita's letter to the Court dated June 19, 2025 (ECF 878) (the "Letter"). By way of background, Mr. Bach-y-Rita, an employee of Freedman Normand Friedland LLP (FNF), is involved in an employment and compensation dispute with FNF, now in arbitration before the American Arbitration Association (AAA). On June 16, 2025, mediation between FNF and Mr. Bach-y-Rita failed. The next day, Mr. Bach-y-Rita's counsel, Mr. Jason Cyrulnik, contacted Class Counsel, threatening to allege ethical violations unless Class Counsel postponed the upcoming fairness hearing regarding class settlements with two Defendants. Specifically, Mr. Cyrulnik claimed Class Counsel lacked written consent from the eight Named Plaintiffs for the fee division among the three Class Counsel firms litigating this case on behalf of the Settlement Class. Despite attempts to resolve the matter without burdening the Court, Mr. Bach-y-Rita filed his Letter.

The Letter lacks merit for three reasons.

First, Rule 1.5(f) of the Illinois Rules of Professional Conduct (which relates to division of fees among counsel) is inapplicable in class actions where the "client is the *class*," fees are drawn from the class *as a whole* (not any individual client), and the *Court* awards the fee. *See Rand v. Monsanto Co.*, 926 F.2d 596, 600 (7th Cir. 1991) (Easterbrook, J.) (emphasis added), *overruled on other grounds by Chapman v. First Index, Inc.*, 796 F.3d 783 (7th Cir. 2015) ("Rule 23 is designed for the nation as a whole. Slavishly following the different state rules on the allocation of costs would balkanize litigation.").

Second, the issue is moot. After Mr. Cyrulnik raised this issue for the first time two days ago, and out of an abundance of caution, Class Counsel obtained written consent to Class Counsel's agreement regarding division of any fees awarded by the Court from **all eight** of the

Named Plaintiffs in this action. Thus, to the extent the Rule applies, Class Counsel are in full compliance with it.

Finally, one reasonable inference from Mr. Bach-y-Rita's Letter—and its curious timing—is that it is an improper attempt to leverage accusations of ethical misconduct on the eve of a fee hearing for his benefit in a private arbitration. Indeed, to the extent the Letter is construed as an objection or request to extend time, it is procedurally untimely. As Mr. Bach-y-Rita knows, the objection deadline to the pending settlements or fee request (April 9, 2025) has passed with no objections. Seeking judicial intervention now on a moot issue to accommodate a private employment dispute serves no *class* interest.

Plaintiffs respectfully submit, for the foregoing reasons and those previously submitted, that the Court should approve the settlements with Caltech and JHU and grant Settlement Class Counsel's Motion for Service Awards, Reimbursement of Expenses, and Attorneys' Fees.

Dated: June 19, 2025

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Respectfully Submitted,

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